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FM AMEMBASSY BRASILIA  
TO RUEHC/SECSTATE WASHDC 5067  
INFO RUEHRG/AMCONSUL RECIFE 9920  
RUEHRI/AMCONSUL RIO DE JANEIRO 8181  
RUEHSO/AMCONSUL SAO PAULO 4533  
RUCNDT/USMISSION USUN NEW YORK 0327  
RUEHGV/USMISSION GENEVA 1599

UNCLAS BRASILIA 001134

SIPDIS

E.O. 12958: N/A

TAGS: [PHUM](#) [PREL](#) [KIPR](#) [ETRD](#) [ECON](#) [UN](#) [BR](#)

SUBJECT: UN HUMAN RIGHTS COUNCIL: BRAZIL TO TABLE  
RESOLUTIONS ON IPR, HIV/AIDS, AND GLOBAL ECONOMIC CRISIS

REF: SECSTATE 93373

¶1. On September 10, Poloff delivered reftel demarche to Nathanael Souza e Silva of the MFA's Human Rights Division and provided him a copy of the text of the draft freedom of expression resolution. Souza will personally attend the 12th session of the UN Human Rights Council and has also attended the last several sessions. He is knowledgeable about the issues.

¶2. BRAZILIAN INITIATIVES: Souza said Brazil would likely table resolutions concerning access to medicine and IPR, the right to health care and HIV/AIDS, human rights cooperation, and the effect of the global economic crisis on economic, social and cultural rights. When Poloff commented that there may be differences between the U.S. and Brazil on IPR issues, Souza replied that he did not think so.

¶3. FREEDOM OF EXPRESSION: Souza said that any position Brazil takes internationally must be compatible with Brazilian domestic law and universal human rights and fundamental freedoms. Under Brazilian law, there can be no defamation of religion; only a person can be defamed. Souza said it is essential that human rights be considered within a legal framework and not vague sociological notions. He said a resolution could be acceptable that condemns hate speech and incitement to religious violence.

¶4. Souza said he would carefully review the U.S. draft freedom of expression resolution and provide his recommendation to his immediate superior, Marcia Adorno, head of the Human Rights Division. Then the draft resolution will be sent to the Brazilian ambassador in Geneva for his comments. Finally, the MFA in Brasilia will make a decision whether or not to support the resolution or to sign on early as a co-sponsor. Souza noted that Brazil had previously abstained on this issue.

¶5. HUMAN RIGHTS CAPACITY-BUILDING: Souza said that Brazil believes that "cooperation is far more effective than condemnation" in promoting human rights and therefore has been involved in "triangular projects" with the Office of the High Commissioner for Human Rights for Haiti, Guinea-Bissau and Angola. By the same token, he said, Brazil will support the continuation of the UN Human Rights Council's special procedures mandates for Somalia, Cambodia and Burundi.

¶6. DISCRIMINATORY LAWS AGAINST WOMEN: Souza did not know about Colombian plans to introduce a resolution to establish a new mechanism to combat discriminatory laws against women, with the creation of a Special Rapporteur or Independent Expert. He said, however, that it sounded like something Brazil would support.

¶7. TRADITIONAL VALUES: The UN Human Rights Council, Souza said, should be concerned about the rights of individuals,

not the protection of different countries' values. Moreover, Brazil has been a leader in the developing world in upholding the rights of women and of lesbians, gays, bisexual and transgender people, taking positions that are seen by some as at odds with so-called traditional values. Brazil therefore shares U.S. concerns about the Russian-sponsored resolution.

KUBISKE